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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MEHRA, INDER P

ART UNIT	PAPER NUMBER
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2666

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DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,714

Applicant(s)

CAREW ET AL.

Examiner

Inder P Mehra

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,25,29-31 and 54-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,25,29-31 and 54-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment A dated 10/7/03, which has been fully considered and made of record. Based on this amendment A, claims 1-10, 12-24, 26-28, 32-53 have been cancelled, and claims 11, 25 and 29-31 have been amended. Claims 11, 25, 29-31 and 54-57 are now pending. In view of the following new ground of rejection, this office action is Non-Final.

Information Disclosure Statement

2. The information disclosure statement filed 1/3/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not enclose the relevant documents. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

US Document no. 5610922, instead of US document no. 5610992, as mentioned in the IDS page 2 of 4, is enclosed. Please clarify as to which number is correct.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11, 25, 29 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Focsaneanu et al** (US Patent No. 5,610,910), hereinafter, Focsaneanu; and further in view of **Chao et al** (US Patent No. 5,050,164), hereinafter Chao, further in view of **Lor** (US Patent No. 6,201,562).

For claims 11, 25, 29 and 54-55, Focsaneanu discloses a gateway (access module 208, refer to col. 4 lines 64-65) and method for interfacing CPEs' and communicating telecommunication information, refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- *telecommunication interface----- for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network* (step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing;), refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:
- *one or more packetization* (extracting information content from user profile, refer to col. 5 line 4, determining the protocol, routing and address refer to col. 5 lines 6-8 and 1-12) *modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second*

telecommunication information according to a second data communication protocol associated with the second subscriber), refer to col. 6 line 53-col. 7 line 50;

- one or more network interface modules operable to communicate the first data packets---using first data link-----second data link-----second subscriber, refer to col. 4 lines 40—col. 5 line 12 and col. 45-65;

Focsaneanu does not disclose expressly, terms: “a first data communication protocol or second data communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication information etc.”, as recited by claims 11, 25, 29;

Focsaneanu does not disclose expressly, using terms: “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC), as recited by claims 11, 25, 29, and 55”;

Chao discloses, a unique protocol capable of handling services with multiple priorities (unique protocol is unique to each subscriber’s profile as stored /desired by subscriber”, refer to col. 17 lines 5-7;

Lor discloses, “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC), as recited by claims 11, 25, 29, and 55”;

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It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the protocol unique to the subscriber as prescribed in subscriber's profile, as taught by Chao, and DSLAM and CMTS . These capabilities can be implemented by using the systems used by Chao and Lor at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

5. Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Chao and Lor, as applied to claim 54 above, further in view of **Health Jr. et al** (US Patent No. 6,678,253), hereinafter, Health.

For claims 56-57, Focsaneanu and Chao disclose all the limitations of subject matter with the exception of the following limitations:

* "wherein the gateway generates data packets for communication to the digital subscriber line access multiplexer (DSLAM); or a base station controller (BSC), as recited by claim 57";

* "a base station controller (BSC) operable to communicate at least some of the data packets generated by the gateway to a wireless network interface unit (WNIU) using a wireless link", as recited by claim 56.

Lor discloses, "wherein the gateway generates data packets for communication to the digital subscriber line access multiplexer (DSLAM); or a base station controller (BSC), as recited by claims 11, 25, 29, and 55", refer to col. 6 lines 52-65;

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Health discloses, "a base station controller (BSC) operable to communicate at least some of the data packets generated by the gateway to a wireless network interface unit (WNIU) using a wireless link", refer to col. 7 lines 5-6;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to generate packets for communication to the DSLAM and BSC, as taught by Lor and Health. These capabilities can be implemented by using the systems used by Focsaneanu, Chao, Lor and Health at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

6. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Chao, and Lor, as applied to claims 11, 25, 29 and 54, further in view of **Health Jr. et al** (US Patent No. 6,678,253), hereinafter Health.

For claims 30 and 31, Focsaneanu discloses a gateway (access module 208, refer to col. 4 lines 64-65) and method for interfacing CPEs' and communicating telecommunication information, refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- *telecommunication interface----- for a first subscriber and second telecommunication information for a second subscriber from a telecommunication network* (step of extracting information content from user/subscriber profile/file to determine required services---between CPE and the communication network; determining appropriate routing;), refer to 208 of fig. 7, refer to col. 4 lines 40-67; comprising:

- ***one or more packetization*** (extracting information content from user profile, refer to col. 5 line 4, determining the protocol, routing and address refer to col. 5 lines 6-8 and 1-12) ***modules operable to generate first data packets for communicating the first telecommunication information according to a first data communication protocol associated with the first subscriber and to generate second data packets for communicating the second telecommunication information according to a second data communication protocol associated with the second subscriber***), refer to col. 6 line 53-col. 7 line 50;
- one or more network interface modules operable to communicate the first data packets----using first data link-----second data link-----second subscriber, refer to col. 4 lines 40—col. 5 line 12 and col. 45-65;

Focsaneanu does not disclose expressly, terms: “a first data communication protocol or second data communication protocol, first subscriber, second subscriber, first telecommunication information, second telecommunication information etc.”,

Focsaneanu does not disclose expressly, using terms: “wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC),

Chao discloses, a unique protocol capable of handling services with multiple priorities (unique protocol is unique to each subscriber’s profile as stored /desired by subscriber”, refer to col. 17 lines 5-7;

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Lor discloses, "wherein the first data link communicates the first data packets to a digital subscriber line access multiplexer (DSLAM); and the second data link communicates the second data packets to a cable modem termination system (CMTS) or a base station controller (BSC)", refer to col. 6 lines 52-65;

Focsaneanu, Chao and Lor do not disclose Base station controller (BSC), as recited by claims 30 and 31;

Health discloses, "communicating the second data packets to a base station controller (BSC) using second data communication protocol", refer to col. 7 lines 5-6;

It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the protocol unique to the subscriber as prescribed in subscriber's profile, as taught by Chao, DSLAM and CMTS and BSC as taught by Health. These capabilities can be implemented by using the systems used by Chao, Lor and Health at CPE. The suggestion/motivation to do so would have been to provide desired characteristics for customer premises network which uses broadband to deliver all services at high bandwidth.

Response to Arguments

7. Applicant's arguments with respect to claims 11, 25, 29-31 and 54-57 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

8. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 972-9306.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, sixth floor (Receptionist).

Inder Pal Mehra

Inder Mehra

3/27/04

March 27, 2004



EX-100
7/20/04